

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Martin Robert Walker, Nazir Khan
Serial No. : 10/566,021
Filed : January 25, 2006
Art Unit : Not yet Assigned
For : Laser Markable Compositions

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

DECLARATION OF ANDREW WHYTE

Sir:

I, Andrew Whyte, make this declaration based on my personal knowledge and belief:

1. I am the Company Secretary of DataLase Limited (hereinafter "The Company") which is the rightful Assignee of the invention.
2. By way of background, one of the inventors, i.e. Nazir Khan (hereinafter "Dr Khan") was employed by The Company at the time of making the invention. When The Company relocated, in January 2006, Dr Khan chose not to move, and left The Company.
3. Following instructions from The Company to file a US patent application, Gill Jennings & Every LLP, the UK firm of patent attorneys acting for The Company, asked the inventors to sign a declaration and an assignment. These documents were sent to Dr Khan at his then address (and which I believe to be his current address), i.e. 6 Hillingdon Avenue, Nuthall, Nottingham, NG16 1RA. Following receipt of the forms, Dr Khan telephoned me and told me that he would sign them only on payment of £1,000.

4. I am advised that under English law, no further payment is due to Dr Khan in respect of inventions made in the course of his employment with The Company. His demand for payment is in effect a refusal to sign the forms.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By: 

Date: 20 - 06 - 08